

REMARKS/ARGUMENTS

Claims 1-17 are currently pending in this case, claims 1-9 and 11-17 having been amended and claims 18-46 having been added by this paper.

In view of the foregoing amendments and the following remarks, Applicants request favorable reconsideration and allowance of the application.

Applicants previously filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b), which was granted.

Applicants have amended the title as indicated above to clearly indicate the invention to which the claims are directed. Further, Applicants have amended the specification to update a claim of priority in the application. Additionally, Applicants have updated the specification as requested by the Examiner to correct minor errors.

Further, Applicants have amended the specification to remove the claim of priority to two provisional applications.

The drawing sheet following page 24 of this paper includes FIGS. 10-11 and replaces the original sheet including FIGS. 10-11. The drawing sheet includes typographical corrections to FIG. 11. More specifically, occurrences of "Descriptor" have been changed to "Descriptor", "Pr" have been changed to "Cr" and "Pb" have been changed to "Cb".

The Office Action rejects claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 1-9 and 11-17 to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Consequently, Applicants respectfully submit that claims 1-17 are allowable. Further, Applicants submit the amendments to the claims are not intended to narrow the scope of the claims.

The Office Action rejects claims 1-17 under the judicially created doctrine of obviousness-type double patenting over claims 1-107 of U.S. Patent No. 6,760,772 and claims 1-107 of U.S. Patent Application No. 10/236,657. Regarding the prosecution history of U.S. Patent Application No. 10/236,657, Applicants agree with the Examiner that the Amendment filed on September 15, 2004, is erroneous because the Amendment is related to U.S. Patent Application No. 10/263,657 not 10/236,657. Applicants agree to file terminal disclaimers, if necessary, to obviate the double patenting rejections over U.S. Patent No. 6,760,772 and U.S. Patent Application No. 10/263,657, respectively, when the claims are allowed.

Further, the Office Action rejects claims 1-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,243,596 to Kikinis. However, the Examiner's rejection of Claim 17 on page 5, lines 9-10 of the Office Action is unclear. Therefore, Applicants respectfully request clarification or withdrawal of the rejection of Claim 17.

Claim 1 recites "An apparatus for transferring digital data at a high rate between a host device and a client device over a communication path for presentation to a user". (Emphasis added). Claim 17 includes a similar feature. To reject Claim 1, the Office Action states "Internet per Abstract contain DSL". (Office Action, page 4, line 21) However, neither the Abstract nor any other portion of Kikinis refers to DSL. Applicants respectfully submit that Kikinis does not disclose or teach an apparatus for transferring digital data at a high rate between a host device and a client device over a communication path for presentation to a user. Consequently, Applicants respectfully submit that claims 1 and 17, and claims 2-16, which depend there from, are allowable.

Further, Claim 1 also recites a "means for generating one or more of a plurality of pre-defined packet structures and linking them together to form a pre-defined communication protocol". (Emphasis added). Claim 17 includes a similar feature. Such feature is described, for example, in paragraphs [0097], [0126], [0132] and [0138] and FIGS. 6 and 7 of the application. Kikinis does not appear to disclose or suggest the "means for generating one or more of a plurality of pre-defined packet structures and linking them together to form a pre-defined

communication protocol" of Claim 1. Consequently, Applicants respectfully submit that claims 1 and 17, and claims 2-16, which depend there from, are allowable.

Support for new claims 18-46 can be found, for example, at least in paragraphs [0198]-[0200] and [0241]-[0245]. Applicants believe the new claims do not add new matter to the application and are fully supported by the original disclosure. Claims 1-17 teach a system for transferring digital data between a host and client, while claims 18-46 teach a method to place the system of claims 1-17 in hibernation for power savings. Therefore, these newly added claims are not patently distinct and not subject to a restriction requirement. These claims are patentable over the applied references as required by MPEP 714.02. Claims 18-46 teach the feature of hibernating the system during periods when data is not being transferred to save power. The claim sets teach differing methods of activating the hibernation mode and restarting the system from hibernation. Kikinis is an internet system that operates at full power at all times. There is not discussion or implication of any hibernation feature in the prior art patent.


For the above reasons, Applicants respectfully submit that independent claims 1 and 17, claims 2-16, which depend there from, and claims 18-46 are patentable over the cited reference. Passage to issue is respectfully solicited.

Applicants do not believe any other fees are due regarding this amendment. However, if any extension of time fees or any other fees are required, please charge Deposit Account No. 17-0026. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Dated: February 5, 2008

By:

Respectfully submitted,



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